

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CARY LEE PETERSON,

Plaintiff

Case No. 2:20-cv-00787-APG-DJA
REPORT AND RECOMMENDATION

v.

GUARDIAN FOR J. DOE, JOHN DOE,

Defendant.

On May 15, 2020, Plaintiff, an inmate in the custody of SEATAC Federal Detention Center, in Seattle, Washington, submitted an application to proceed *in forma pauperis* along with a letter. (ECF No. 4). He had previously initiated this lawsuit on April 30, 2020 with a letter and failed to file a complaint or application to proceed *in forma pauperis*. (ECF No. 1). As a result, the Court granted Plaintiff a **one-time** opportunity to file a complaint and a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$400 filing fee for this action on or before **July 6, 2020**. (ECF No. 3). The Court will not screen his application.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

Here, Plaintiff has failed to comply with the Court's Order (ECF No. 3) for several

1 reasons. His application not only lacks his signature on the acknowledgment (ECF No.
2 4, p. 3), but also lacks the signature of an authorized officer on the financial certificate
3 (ECF No. 4, p. 4). Further, it indicates that he can pay a filing fee of \$400. (*Id.*) As such,
4 the Court will recommend that his application be denied and that he be required to pay
5 the full filing fee within 30 days of the Court's order adopting this recommendation.
6 Plaintiff also attaches a letter rather than a complaint to his application and given the
7 Court's recommendation, it will decline to screen his letter at this point.

8 **RECOMMENDATION**

9 For the foregoing reasons, IT IS HEREBY RECOMMENDED that Plaintiff's
10 application proceed *in forma pauperis* (ECF No. 4) be denied and that he be required to
11 pay the full filing fee for a civil action within 30 days of the Court's Order.

12 **NOTICE**

13 This report and recommendation is submitted to the United States district judge
14 assigned to this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and
15 recommendation may file a written objection supported by points and authorities within
16 fourteen days of being served with this report and recommendation. Local Rule IB 3-2(a).
17 Failure to file a timely objection may waive the right to appeal the district court's order.
18 *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991).

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20 DATED: May 21, 2020.

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23 DANIEL J. ALBRECHTS
24 UNITED STATES MAGISTRATE JUDGE
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